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PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
05542/073001

First named inventor: Arvind D. Patel

Application No: 10/647,737-Conf. #2299

Art Unit: 1712

Filed: August 25, 2003

Examiner: Michael J. Feely

Title: FLAT RHEOLOGY DRILLING FLUIDS

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The failure was due to Applicant's oversight and is unintentional. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR § 1.37(b)**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.

☒ Other than small entity – fee \$ 1,500.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of Reply under 37 CFR § 1.114 (identify type of reply):

☒ has been filed previously on May 23, 2006

☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ n/a

☐ has been paid previously on 07/06/2006 01 FC:1453

☐ is enclosed herewith.

07/06/2006 TBESHAN1 00000009 10647737

1500.00 OP


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

### 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as shown herein:

- 1) U.S. Patent Application 10/647,737 was filed on August 25, 2003.
- 2) On November 22, 2005, a final Office Action was mailed, which indicated that a response to the final Office Action was due on or before February 22, 2006, with three one-month extensions of time available until May 22, 2006.
- 3) On May 22, 2006, a Request for Continued Examination was submitted with an Information Disclosure Statement and a petition for three one-month extensions of time. However, the reply under 37 C.F.R. § 1.114 was inadvertently omitted from that submission.
- 4) On the morning of May 23, 2006, Applicant noticed that the reply under 37 CFR § 1.114 was inadvertently omitted from the Request for Continued Examination filed the previous day on May 22, 2006. Accordingly, Applicant submitted a Supplemental Submission to the Request for Continued Examination that included the reply under 37 CFR § 1.114 on May 23, 2006.
- 5) Applicant received the Notice of Improper Request for Continued Examination mailed June 22, 2006, and Notice of Abandonment mailed June 22, 2006, on June 28, 2006.
- 6) Applicant submits that the failure to file the reply under 37 CFR § 1.114 by the extended deadline of May 22, 2006, was unintentional.
- 7) Applicant further submits that the entire delay until the filing of the present petition was unintentional.

  
 \_\_\_\_\_  
 Signature

June 30, 2006

\_\_\_\_\_  
 Date

Jeffrey S. Bergman  
 \_\_\_\_\_  
 Typed or printed name

45,925

\_\_\_\_\_  
 Registration Number, if applicable

OSHA · LIANG LLP  
 1221 McKinney St., Suite 2800  
 Houston, Texas 77010

\_\_\_\_\_  
 Address

(713) 228-8600

\_\_\_\_\_  
 Telephone Number

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_



<b>FEE TRANSMITTAL</b> <b>For FY 2006</b>		<b>Complete if Known</b>	
		Application Number	10/647,737-Conf. #2299
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	August 25, 2003
		First Named Inventor	Arvind D. Patel
		Examiner Name	C. R. Richard
TOTAL AMOUNT OF PAYMENT (\$)		1,500.00	Attorney Docket No. 05542/073001

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check	<input checked="" type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: 50-0591
Deposit Account Name: Osha · Liang LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

<b>FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
		<b>Small Entity</b>		<b>Small Entity</b>		<b>Small Entity</b>	
<b>Application Type</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fees Paid (\$)</b>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
							<b>Small Entity</b>
							<b>Fee (\$)</b>
Each claim over 20 (including Reissues)							50
Each independent claim over 3 (including Reissues)							200
Multiple dependent claims							360
<b>Total Claims</b>							<b>Fee Paid (\$)</b>
- = x =							
HP = highest number of total claims paid for, if greater than 20.							
<b>Indep. Claims</b>							<b>Fee Paid (\$)</b>
- = x =							
HP = highest number of independent claims paid for, if greater than 3.							
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>		<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>		
- 100 =	/50	(round up to a whole number) x		=			
<b>4. OTHER FEE(S)</b>							<b>Fees Paid (\$)</b>
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): 1453 Petition to revive unintentionally abandoned ...							1,500.00

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	45,925
Name (Print/Type)	Jeffrey S. Bergman	Telephone	(713) 228-8600
		Date	June 30, 2006



Application No. (if known): 10/647,737

Attorney Docket No.: 05542/073001

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV804241370US in an envelope addressed to:

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on June 30, 2006  
Date

Signature

Staci V. Harris

Typed or printed name of person signing Certificate

Registration Number, if applicable

(713) 228-8600  
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Fee Transmittal (1 page)  
Petition to Revive Unintentionally Abandoned Application (2 pages)  
Payment by credit card. Form PTO-2038 is attached (1 page)  
Charge \$1,500.00 to credit card  
Return postcard